

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2452

Bonnie McCaslin,

Appellant,

v.

Jo Anne B. Barnhart, Commissioner
of Social Security,

Appellee.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: January 12, 2006
Filed: February 15, 2006

Before SMITH and HANSEN, Circuit Judges, and BOGUE,¹ District Judge.

PER CURIAM.

Bonnie McCaslin appeals an order of the district court² granting her application for supplemental security income, but rejecting her request to reopen a previous decision denying her disability insurance benefits due to res judicata. On June 4, 1990, McCaslin sought Title II disability benefits and Title XVI supplemental security

¹The Honorable Andrew W. Bogue, United States District Judge for the District of South Dakota, sitting by designation.

²The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

income benefits, claiming she was disabled as a result of numerous maladies. An administrative law judge (ALJ) issued an unfavorable decision denying all benefits on November 27, 1992. McCaslin did not appeal the decision. McCaslin reapplied for Title II and Title XVI benefits on July 13, 1993. A second ALJ conducted two hearings before issuing a decision on July 16, 1997. The second ALJ's decision, which found McCaslin was not disabled, made no reference to the first ALJ's decision. The Appeals Council granted McCaslin's request for review and vacated the second ALJ's decision. The Appeals Council remanded the matter, finding several unresolved issues, including the second ALJ's failure to discuss the doctrine of res judicata. The Appeals Council directed the ALJ, on remand, to evaluate McCaslin's claims in light of the res judicata provisions of 20 C.F.R. § 404.957(c)(1). On remand, a third ALJ issued a partially favorable decision. The third ALJ, applying the doctrine of res judicata, concluded the first ALJ's decision was the final decision of the Commissioner with respect to McCaslin's claim for Title II benefits. Thus, the third ALJ dismissed McCaslin's request for Title II benefits. However, the third ALJ also concluded McCaslin was entitled to Title XVI benefits. The Appeals Council denied McCaslin's request for review. McCaslin filed suit in the district court. The district court affirmed the third ALJ's decision, and McCaslin filed the instant appeal.

Having conducted a de novo review of the record, we conclude that the ALJ's findings were supported by substantial evidence on the record as a whole. See Harris v. Barnhart, 356 F.3d 926, 928 (8th Cir. 2004). The November 27, 1992, order denying McCaslin's 1990 claim for Title II disability insurance benefits was not reopened and, thus, was res judicata as to McCaslin's 1993 claim for Title II benefits. This case presents no novel issues to justify an extended discussion. We reject McCaslin's contentions for the reasons provided in the district court's opinion. See 8th Cir. R. 47B. We thus affirm the judgment of the district court.